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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,988	04/14/2000	Jeffrey M. Chasen	Realnet : 056A	8258

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EXAMINER

BOCCIO, VINCENT F.

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 11/21/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,988

Applicant(s)

CHASEN, JEFFREY M.

Examiner

Vincent F. Boccio

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-61 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 35-61 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2615.

Response to Arguments

1. Applicant's arguments with respect to the newly presented claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 35-37, 39-44, 46-60 are rejected under 35

U.S.C. 103(a) as being unpatentable over Thomason et al. (US 6,018,612) in view of Barton et al. (US 6,233,389).

Regarding claim 35-37 and 39-40, Thomason in Fig. 1, meets the limitations associated with a method and associated apparatus for recording and playing data, the apparatus and associated method comprising the steps performed on the elements as recited comprising:

receiving a first stream of digitally encoded data (buffer memory 35);

incrementally recording the first stream via a local storage device (col. 4, recording a first stream of encoded data to the hard disk recording device 36) and while incrementally playing

the first stream during the recording of the first stream
(playing the first stream buffer 35 to the hard disk 36);

pausing the recording (to the hard disk with one head, to
allow reproduction to the output while the system records
continuously received data into the buffer, col. 4) and playing
(from the buffer), of the first stream at a point with the
digitally encoded data;

receiving a second stream (recording a successive section of
the encoded data from the buffer to the hard disk), of digitally
encoded data;

and

incrementally recording the second stream via the local
storage starting at the first point (wherein the recording was
left off), within the encoded data,

and performing playing the second starting at the first
point and playing the second during the recording, the system is
configured to receive TV signals thru tuner 1, therefore video
and audio, wherein data is received by element 2, from the tuner
and stored, while earlier data received and stored data, can be
controlled by user interface 26, reproduced and output at element
12.

Thomason discloses a system which performs receiving TV
signals which are from TV networks, performs simultaneous
recording and reproduction of the TV signals, wherein Thomason

shows elements 2 & 3, performing analog to digital conversion and data compression or encoding of the TV signals,

o but, fails to disclose recording encoded data received from a network connection.

Barton teaches in Fig. 1, in a multimedia time warping system, an input module 101, which is adapted to receive network TV signals which can be in the form of "MPEG 2 Transport Stream" etc., therefore, compression encoded packetized data from a TV network (col. 3, lines 30-), as taught by Barton.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to Thomason by incorporating a front end for receiving encoded data from a network, such as a Tv network, as an additional or alternate type of source to the system, as taught by Barton.

Regarding claims 41 and 48, Thomason having a hard disk meets the limitation of digitally encoded data is stored via a magnetic storage, but, fails to disclose "the digitally encoded data received via optical storage device.

The examiner takes official notice that optical storage is well known, and therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate wherein the digitally encoded data is received via an optical storage device, as is well known and conventional in the art.

Claims 42-44, 46-48, 55-56, 60 have been analyzed and

discussed with respect to the claims above, but comprise an additional limitation such as:

- o wherein Thomason further discloses the microprocessor controlled, with programming in the Rom 22 and parameters or variables in RAM 23, as disclosed col 3., "software", etc., the limitation as recited computer readable medium comprising instruction for performing the simultaneous recording of data and the reproduction of data from the system is considered met in view thereof.

Regarding claims 49-51, 52-54, 57-59, the combination provides for a network a source of audio and video, but, as applied fails to address and disclose recording an audio CD file, utilizing a CD for storage, disclose displaying information about the audio file being a song name and artist.

The examiner takes official notice that recording audio, and displaying information such as artist and song name are well known and further recording audio to a CD is well known, and therefore obvious to one skilled in the art to provide and display song and artist names associated with selections recording audio signals and to further utilize a CD for recording and even providing audio, and to utilize the CD to recording and reproduction operations in Thomason, as is conventional and well known to those skilled in the art.

4. Claims 38 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomason et al. (US 6,018,612) in view of Barton et al. (US 6,233,389).

Regarding claims 38 and 45, the combination as applied discloses receiving TV signals, which have audio and video, but, fails to disclose wherein the data is from a remotely disclosed computer via a network.

The examiner takes official notice that receiving data signals thru a network from a remotely disposed computer in packet form {audio and/or video}, is well known such as over the Internet etc., therefore, it would have been obvious to one skilled in the art at the time of the invention to utilize or even substitute a source from the Internet to receive data in packets, being a mere design choice of a source well known and obvious to one skilled in the art.

5. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomason et al. (US 6,018,612) and Barton et al. (US 6,233,389) in view of Suzuki et al. (US 6,438,315).

Regarding claim 61, the combination as applied fails to disclose identifying encoding formats for received audio/video data, in order to decode.

Suzuki teaches handling detecting formats of encoded data (col. 13, etc., Fig. 4), for proper decoding, as taught by

Suzuki.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by incorporating detecting formats of encoded data for proper decoding, as taught by Suzuki.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Contact Information

6. Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Vincent F. Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vin
November 17, 2003


VINCENT BOCCIO
PRIMARY EXAMINER